

Los Angeles Regional Water Quality Control Board

Mr. Jason Armison Sr.  
AMLI Residential  
3195 Red Hill Avenue, Loft F,  
Costa Mesa, CA, 92626

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7012 3460 0001 6366 0465

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED MARINA DEL REY PARCEL 15 MARINA REPLACEMENT PROJECT (Corps' Project No. 2001-00848-AOA), MARINA DEL REY HARBOR: PACIFIC OCEAN, MARINA DEL REY, LOS ANGELES COUNTY (File No. 14-072)**

Dear Mr. Armison:

Board staff has reviewed your request on behalf of AMLI Residential (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 4, 2014.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

**Please read this entire document carefully.** The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

Oct. 6, 2014  
Date

## DISTRIBUTION LIST

Kim Garvey (via electronic copy)  
Moffatt and Nichole  
3780 Kilroy Airport Way, Suite 600,  
Long Beach, CA, 90806

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Daniel P. Swenson (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

Paul Amato (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

California Coastal Commission  
200 OceanGate, 10th Floor  
Long Beach, CA 90802

**ATTACHMENT A**

**Project Information**  
**File No. 14-072**

1. Applicant: Jason Armison Sr.  
AMLI Residential  
3195 Red Hill Avenue, Loft F  
Costa Mesa, CA, 92626  
  
Phone: (949) 200-5001
2. Applicant's Agent: Kim Garvey  
Moffatt and Nichole  
3780 Kilroy Airport Way, Suite 600,  
Long Beach, CA, 90806  
  
Phone: (562) 426-9551
3. Project Name: Marina del Rey Parcel 15 Marina Replacement
4. Project Location: Marina del Rey, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33° 58'42.76" N	118°27'27.59" W
33° 58'36.89" N	118°27'27.51" W
33° 58'36.90" N	118°27'25.26" W
33° 58'40.36" N	118°27'24.99" W
33° 58'40 46" N	118°21'1 5 30" W
33° 58'42.68" N	118°27'15.07" W

5. Type of Project: Marina reconstruction
6. Project Purpose: The proposed marina is part of an overall two-phase project. In the 2008 Phase I, Parcel 12 (Basin B) was completed, and consisted of a 437-apartment complex, 2,000 square foot visitor-serving commercial use, and a private boat anchorage containing approximately 227 slips.
- The proposed project is for Phase II which will include Parcel 15 of the marina and also a landside element including the demolition of 288 residential units, 4,400 square feet of restaurant space, construction of a 585-apartment complex including 47 very low income senior citizen units, 8,000 square feet of visitor-serving commercial space, 1,271 parking space garage, and an 18-foot-wide

## ATTACHMENT A

### Project Information

File No. 14-072

public promenade.

#### 7. Project Description:

The proposed project is located at Bar Harbor in Marina del Rey in the County of Los Angeles. The existing Bar Harbor Marina is located at 4242 Via Marina, Marina del Rey, California in Basin C, and is under the jurisdiction of the County of Los Angeles, Department of Beaches and Harbors. The proposed marina is in the waterside portion of the Parcel 15 leasehold along Via Marina and Panay Way.

The existing Parcel 15 (Bar Harbor) marina facility includes a 255-slip marina with slips sizes ranging from 20 to 50 feet in length, with end-tie slips available. The existing Parcel 15 marina will be replaced with a 241-slip marina with slip sizes ranging from 25 to 40 feet in length. The existing and proposed marinas are concrete encapsulated foam dock systems.

The key elements of the waterside marina work include: 1) demolition of the existing dock system (approximately 47,200 sq.ft. footprint) including removal of 112 existing piles; 2) installation of a new floating dock system for 241 boat slips and two floating building foundations (approximately 66,900 square foot footprint); 3) installation of new marina piles (approximately 81 precast concrete piles, square 14-inch or 16-inch or 18-inch cross-section); 4) installation of new gangways and gangway platforms; 5) installation of new utility connections, dock electrical system (metered), dock potable water system, dock fire protection system, in-slip sewer pumpout system, dock communication system, and marina low-level lighting; and 6) installation of bulkhead railing (existing bulkhead to remain in place), entry gates and access control system, and other miscellaneous items related to the marina.

All components, including the pre-cast concrete piles and pre-fabricated concrete modular docks, will be shipped to the site via truck. The docks will be transferred to the waterside work site via a landside mobile crane. Piles will be placed on a floating barge by a barge-mounted crane. The piles will be installed using jetting and pile hammer. This approach reduces the duration and intensity of pile driving activity to a minimum. Waterside construction vessels/equipment includes work barges, work boats, and pile driving equipment. Demolition debris will be transferred from the waterside to the landside via crane and hauled off site via truck to

## ATTACHMENT A

### Project Information

File No. 14-072

Puente Hill landfill.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Permit No. 2001-00848-AOA
9. Other Required Regulatory Approvals: California Coastal Commissions  
Coastal Development Permit (5-01-143)
10. California Environmental Quality Act Compliance: The County of Los Angeles, Dept. of Regional Planning approved the project's Final Environmental Impact Report (County of Los Angeles Project No. 98-134, SCH No. 199900407) on November 2000.
11. Receiving Water: Marina Del Rey Harbor (Hydrologic Unit Code: 180701040403)
12. Designated Beneficial Uses: NAV, COMM, EST, MAR, WILD, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET
13. Impacted Waters of the United States: Ocean/Bay: 6.66 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has identified Phase I of the overall project which was completed in 2008 on Parcel 12 as a related project carried out in the last 5 years. The Applicant has not identified any planned projects for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Use of turbidity curtains around existing piles as part of the pile removal process to minimize turbidity. The curtains extend from the approximately bottom of the marina (mudline) to the water line. Once the curtains are in place, the piles are extracted. The turbidity curtains are left in place until the clarity of the water inside the curtains approaches normal conditions of the marina by visual observations.
  - In the event a pile should break during removal, divers will cut the broken pile at the mud line, rather than re-attempt to remove the pile in its entirety which would likely result in resuspension

## ATTACHMENT A

### Project Information

File No. 14-072

of bottom sediments.

- No pile driving activity will occur from April 1 to September 1 of any year, in order to reduce impacts on the California least tern during nesting and foraging season.
- A recent (June 2014) eelgrass and caulerpa survey has been completed. No eelgrass or caulerpa was found on the site. Eelgrass has not been historically observed at this site, likely because the marina design depths are too deep for eelgrass to establish.
- All construction equipment shall be in proper operating condition. The construction contractor will ensure that the equipment is properly maintained and keep an equipment maintenance log.
- No construction materials, equipment, debris or waste will be stored where it may be subject to inundation or dispersion in the waters.
- Floating booms will be used around the project site in order to capture floating debris during all demolition and construction phases. All debris will be removed as soon as possible but no later than the end of the day.
- Non-buoyant debris discharged into the water will be recovered by divers as soon as possible after loss.
- Reasonable and prudent measures will be taken to prevent all discharge of fuel or oily waste from construction equipment. The construction contractor will have adequate equipment available to contain any such spill immediately.
- Floating debris will be contained within the project site and removed as soon as possible but no later than the end of the day.
- Construction activities shall be restricted to between the hours of 7:00 a.m. and 5:00 p.m. to minimize noise disturbance to surrounding residential and commercial property. Pile driving and hauling of material shall not commence before 8:00 a.m. Monday through Friday. Pile driving and hauling shall not occur

**ATTACHMENT A**

**Project Information**  
**File No. 14-072**

on Saturdays or Sundays.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any additional compensatory mitigation.

18. Required  
Compensatory  
Mitigation:

The Regional Board will not require any additional compensatory mitigation since this will be an in-kind dock replacement project, with minimal impacts to the ocean floor or habitat. The Applicant is installing a new pumpout station, which will benefit water quality.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification

File No. 14-072

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

## ATTACHMENT B

### Conditions of Certification

File No. 14-072

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.

## ATTACHMENT B

### Conditions of Certification

File No. 14-072

14. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All other sampling shall take place on both sides of silt curtains at a minimum of two locations (4 locations total). Monitoring for the following shall be included:
- pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids (TSS)
  - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. Monitoring shall ensure compliance with all water quality objectives specified in the 2012 Ocean Plan.

**Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month.** A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

15. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
16. The Applicant shall submit to this Regional Board a **Final Monitoring Report** (Final Report) by **January 1<sup>st</sup>** of the year following project completion. The Final Report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. At a minimum the Final Report shall include the following documentation:
- (a) Color photo documentation of the pre- and post-project conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) Copies of all permits revised as required in Additional Condition 1;
  - (d) Water quality monitoring results (as required) compiled in an easy to interpret format;
  - (e) A certified Statement of “no net loss” of wetlands associated with this project;

**ATTACHMENT B**

**Conditions of Certification**  
**File No. 14-072**

- (f) Discussion of any monitoring activities and exotic plant control efforts; and
  - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
17. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
18. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)”

19. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number 14-072**. Submittals shall be sent to the attention of the 401 Certification Unit.
20. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

## ATTACHMENT B

### Conditions of Certification

File No. 14-072

21. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
22. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
23. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
24. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

## ATTACHMENT B

### Conditions of Certification

File No. 14-072

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
25. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.